

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

SCOTT H. LANSING,

CIVIL NO. 15-3530 (MJD/JSM)

Plaintiff,

ORDER

v.

WELLS FARGO BANK, N.A.,

Defendant.

The above matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated April 25, 2016. Plaintiff objects to the recommendation that the Court find that his claims are barred by res judicata, and that his motion to amend the complaint be denied.<sup>1</sup> Plaintiff further objects to the recommendation that the Court grant Defendant's motion for judgment on the pleadings on Defendant's counterclaim.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court will ADOPT the Report and Recommendation in its entirety.

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<sup>1</sup> Plaintiff claims in his amended complaint, he asserted a breach of contract claim based on the fact that the April 2013 Settlement Agreement was not reduced to writing, and that the Magistrate Judge did not address this claim in the Report and Recommendation. In reviewing the proposed amended complaint, the Court finds that Plaintiff failed to state a claim for relief based on the fact that the Settlement Agreement was not reduced to writing as Plaintiff failed to allege how this failure was material.

IT IS HEREBY ORDERED that:

1. Defendant's Motion for Judgment on the Pleadings [Docket No. 9] is **GRANTED**.
2. Plaintiff's Complaint [Docket No. 1] is **DISMISSED WITH PREJUDICE**.
3. Defendant's Counterclaim for Breach of Contract [Docket No. 4] is **GRANTED**. This case will proceed forward to assess Defendant's requests for relief associated with its counterclaim for breach of contract.
4. Plaintiff's Motion to Amend Complaint [Docket No. 29] is **DENIED**.

Dated: June 17, 2016

s/ Michael J. Davis  
MICHAEL J. DAVIS  
United States District Court